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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 Jason Nathaniel Nix,

5 Plaintiff

6 v.

7 Brayan Lopez, *et al.*,

8 Defendants

Case No.: 2:23-cv-00796-CDS-VCF

Order Denying Application to Proceed In
Forma Pauperis and Related Matters

[ECF No. 1]

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10 On May 22, 2023, pro se plaintiff Jason Nix, an inmate in the custody of the Nevada
11 Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to
12 proceed *in forma pauperis*. ECF Nos. 1-1, 1. Both documents are deficient. The application to
13 proceed *in forma pauperis* is incomplete because Nix did not include a financial certificate or an
14 inmate trust fund account statement for the previous six-month period with the application.
15 And the complaint is illegible because the handwriting is too small to read. I deny the
16 application to proceed *in forma pauperis* without prejudice, and grant Nix an extension of time to
17 either file a new fully complete application with all three required documents or pay the full
18 \$402 filing fee for a civil action. I deny the complaint in its entirety without prejudice as
19 illegible, and I grant leave to amend.

20 I. Application to proceed *in forma pauperis*

21 The United States District Court for the District of Nevada must collect filing fees from
22 parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402,
23 which includes the \$350 filing fee and the \$52 administrative fee. *See* 28 U.S.C. § 1914(b). “Any
24 person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed
25 *in forma pauperis*.” LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must
26 submit **all three** of the following documents to the court: (1) a completed **Application to**
27 **Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the court’s approved form, that is
28 properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is

1 page 4 of the court's approved form, that is properly signed by both the inmate and a prison or
2 jail official; and (3) a copy of the inmate's prison or jail trust fund account statement for the
3 previous six-month period. *See* 28 U.S.C. § 1915(a)(1)–(2); LSR 1-2. *In forma pauperis* status does
4 not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate
5 can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

6 As explained above, Nix's application to proceed *in forma pauperis* is incomplete because
7 he did not include a financial certificate or an inmate trust fund account statement for the
8 previous six-month period with the application. I therefore deny the application without
9 prejudice, and I grant an extension of time for Nix to either pay the full filing fee or file a new
10 fully complete application to proceed *in forma pauperis* with all three required documents.

11 II. Form of complaint

12 The complaint Nix submitted is not legibly written because the handwriting is too small
13 to be read with an unaided eye. I recognize that Nix must handwrite his documents for the court
14 because he is incarcerated, but his documents must be legibly written. LR IA 10-1 (a)(2). By way
15 of example, text size for typed papers must be 12 size font or larger, and there should be no more
16 than 28 lines per page. I therefore dismiss the complaint in its entirety without prejudice, and I
17 grant leave to amend to file a legible complaint.

18 Nix is advised that an amended complaint replaces the original complaint, so the
19 amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*,
20 896 F.2d 1542, 1546 (9th Cir. 1989). This means Nix's amended complaint must contain all
21 claims, defendants, and factual allegations that he wishes to pursue in this lawsuit. Nix should
22 file the amended complaint on this Court's approved prisoner-civil-rights form, and it must be
23 titled "First Amended Complaint." Nix must follow the instructions on the form. He need not
24 and should not allege very many facts in the "nature of the case" section of the form. Rather, in
25 each claim, he should allege facts sufficient to show what each defendant did to violate his civil
26 rights.

It is further ordered that Nix has until September 6, 2023, to either pay the full \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three required documents: (1) a completed application with the inmate's two signatures on page 3, (2) a completed financial certificate that is signed both by the inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account statement for the previous six-month period.

It is further ordered that Nix has **until August 7, 2023**, to file an amended complaint consistent with this order. Nix is advised that the court will screen the amended complaint in a separate screening order and the screening process will take several months.

Nix is cautioned that this action will be subject to dismissal without prejudice if he fails to timely comply with this order. A dismissal without prejudice allows the plaintiff to refile the case with the court, under a new case number, when he can file a complete application to proceed *in forma pauperis* or pay the required filing fee and file a legible complaint.

The Clerk of the Court is directed to file the complaint (ECF No. 1-1) and send plaintiff Jason Nathaniel Nix the approved form application to proceed *in forma pauperis* for an inmate and instructions for the same, the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same, and a copy of his complaint (ECF No. 1-1).

DATED: June 6, 2023

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